

APPEAL NO. 030455  
FILED APRIL 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 16, 2003. With respect to the issues before him, the hearing officer determined that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to and include a herniated disc at L5-S1, or a lumbar strain on and after \_\_\_\_\_, and that the claimant had disability as a result of his compensable injury on August 30, 2001, and that he did not have disability thereafter.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's \_\_\_\_\_, compensable injury does not extend to and include a herniated disc at L5-S1; that his compensable injury does not include a lumbar strain on or after \_\_\_\_\_; and that he only had disability, as a result of his compensable injury, on August 30, 2001. The claimant had the burden of proof on those issues. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The extent-of-injury and disability issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the relevance and materiality of the evidence and of its weight and credibility. Section 410.165(a). The hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision, we will reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and manifestly unjust. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

In this instance, there was conflicting evidence on the issue of the nature and extent of the claimant's compensable injury. The hearing officer determined that the claimant failed to prove that he herniated a disc at L5-S1 or that he continued to suffer the effects of his lumbar strain injury after \_\_\_\_\_. The hearing officer simply was not persuaded that the claimant sustained his burden of proving the causal connection between his condition after \_\_\_\_\_, and the work-related motor vehicle accident of \_\_\_\_\_. The hearing officer was acting within his province as the fact finder in so finding. Nothing in our review of the record demonstrates that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust; therefore, no sound basis exists for us to reverse the extent-of-injury and disability determinations on appeal. Pool, *supra*; Cain, *supra*.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **NORTHERN INSURANCE COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**LEO MALO  
ZURICH NORTH AMERICAN  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Roy L. Warren  
Appeals Judge